

**REMARKS**

Claims 1-2, and 4-14 and 17 remain in this application. Claims 1-2, 5-7, 10, 14, 15 and 17 were amended in this response. Claims 3, 4, and 16 were canceled without prejudice. No new matter has been introduced as a result of the amendments.

Claim 14 was objected to for informalities. Applicants have amended claim 14 to address Examiner's objection. Withdrawal of the objection is respectfully requested.

Claims 2, 4 and 9 were rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 2 was amended to remove "authentication" at the end of the claim, thus clarifying the claim terms. Claim 9 was amended to depend from claim 8, thus correcting the antecedent problems identified by the Examiner. Regarding paragraph 6 of the Office Action, claims 4 and 9 recite that the file registry information is created by adding memory space specifying information (referenced to as "file size" – see page 12 of the specification last line through line 3, page 13) and file key information (which accesses using a file name, page 13, lines 3-5) to encrypted information created by encrypting the memory space and file key information with the issuer key (page 12, lines 7-12). Accordingly, the claim language comports with the disclosure in the specification. Withdrawal of these rejection is respectfully requested.

Claims 7, 11 and 14 of the present application were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by *Watanabe et al.* (U.S. Patent No. 4,849,614). Applicant respectfully traverses this rejection.

Claims 1-2 and 15-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Watanabe et al.* (U.S. Patent No. 4,849,614) in view of *Larsson* (U.S. Patent No. 5,379,344). Applicant respectfully traverses this rejection.

Claims 3 and 4 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Watanabe et al.* (U.S. Patent No. 4,849,614) in view of *Larsson* (U.S. Patent No. 5,379,344), further in view of *Hillis* (U.S. Patent No. 5,241,600). Applicant respectfully traverses this rejection.

Claims 5 and 6 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Watanabe et al.* (U.S. Patent No. 4,849,614) in view of *Larsson* (U.S. Patent No. 5,379,344) and *Hillis* (U.S. Patent No. 5,241,600), further in view of *Canetti et al.* ("SMuG.0"). Applicant respectfully traverses this rejection.

Claims 8-9 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Watanabe et al.* (U.S. Patent No. 4,849,614) in view of *Hillis* (U.S. Patent No. 5,241,600). Applicant respectfully traverses this rejection.

Claim 10 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Watanabe et al.* (U.S. Patent No. 4,849,614) in view of *Canetti et al.* ("SMuG.0"). Applicant respectfully traverses this rejection.

Claims 12-13 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Watanabe et al.* (U.S. Patent No. 4,849,614) in view of *Morrill* (U.S. Patent No. 5,991,749). Applicant respectfully traverses this rejection. Favorable reconsideration is respectfully requested.

Specifically, *Watanabe* does not disclose "means for creating access key information based on said issuer key information and said file key information" as recited in claim 1 and similarly recited in claims 1, 7 and 14. *Watanabe* discloses a first code number specifies a storage area, while a second code number grants access to the storage area:

The kind of the code number inputted to the IC card is primarily classified into two numbers, namely, a first code number (enterprise key) set according to each enterprise and a second code number (a personal key, a control key, or an issuer key) selected according to the security level of each storage area. If a storage area specified for an information read or write is an area for recording information associated with a particular enterprise, the first code number necessary to access the storage area is to be specified. Furthermore, a second code number is selected and is specified to access the storage area. Consequently, if the specified first and second code numbers are not correctly inputted to the IC card, the specified storage area cannot be accessed.

(col 5, lines 22-35). Thus, the first and second code numbers of *Watanabe* are not "based" on other keys, but are separate keys that provide multiple independent levels of security access.

Also, regarding claim 2, the cited art does not disclose "means for transmitting, to said portable electronic device, file registry information that is created in said management sector by encrypting memory space specifying information for specifying a size of a memory space to be secured in said portable electronic device and said file key information with second key information possessed by said management sector." Firstly, *Watanabe* does not disclose encryption of data, and only collates data and compares it to codes entered by users (see col. 6, line 56-col. 7, line 46; col. 9, lines 21-49). Second, the aforementioned passage does not disclose a file registry/index are, but merely describes security levels that may be designated among users and enterprises, and further is silent regarding the information for specifying a size of memory space and file key information. Further, *Hillis* does not solve the deficiencies of *Watanabe*, for it discloses a generic public/private key encryption, and makes no mention of the features disclosed above.

In addition to the arguments above, *Larsson* does not disclose "transmitting issuer key change information to said portable electronic device and changing said first issuer key information, wherein said issuer key change information is created based on said first issuer key information and second issuer key information" as recited in claim 14. The passage relied upon in *Larsson* (col. 4, lines 38-42) discloses changing a user key after each use; however *Larsson* does base the change on a first and second issuer key information. Furthermore, using the teaching in *Larsson* would render the disclosure in *Watanabe* inoperable, as *Watanabe* depends on collating and matching known keys (see above).

Furthermore, the claims recite features that are in means-plus-function format. The "broadest reasonable interpretation" that an examiner may give means-plus-function language is that statutorily mandated in paragraph six. 35 U.S.C. 112, sixth paragraph states that a claim limitation expressed in means-plus-function language "shall be construed to cover the corresponding structure described in the specification and equivalents thereof." Accordingly, the PTO may not disregard the structure disclosed in the specification corresponding to such language when rendering a patentability determination (see MPEP 2181).

The structure in the specification clearly discloses encrypting methods through which issuer keys, file keys and access keys are processed. In contrast, *Watanabe* simply discloses the assignment and collation of passwords attributed to certain users and businesses. In fact,

Watanabe is completely silent with regard to encryption. Watanabe does not restrict access through encryption, but only "locks" users when they erroneously enter code numbers during authentication.

In light of the above, Applicant respectfully submits that claims 1-2, and 4-14 and 17 of the present application are both novel and non-obvious over the art of record. Accordingly, Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If any fees are due in connection with this application as a whole, the Examiner is authorized to deduct such fees from deposit account no. 02-1818. If such a deduction is made, please indicate the attorney docket number (0112857-228) on the account statement.

Respectfully submitted,

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